

PROBATE CALENDAR NOTES

July 30, 2013

1:30 p.m., Department 40

The following are the Probate Calendar Notes for the probate calendar set for hearing July 30, 2013, in Department 40, Commissioner Michael A. Jacques, presiding. Department 40 is located at 10820 Justice Center Drive, Roseville, in the Santucci Justice Center.

If a verified petition on an accounting or petition for attorney fees is recommended for approval, no appearance is required. For all other matters, appearances are generally required. If you have questions regarding the calendar notes, please contact the probate research attorney at (916) 408-6119. Do not contact Department 40 directly.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Updated calendar notes will ordinarily be posted on the court day prior to the calendar, and may be posted at any time. Please do not call the probate research attorney regarding the calendar notes until after checking for any updated notes.

1. S-DR-0043692 Beaton, Eric Mathew vs. Sims, Sandra

Appearance is required for hearing as previously ordered. This matter will be heard with *Estate of Beaton*, case no. S-PR-0006950.

2. S-PR-0005525 Johannesma, Margaret Jean - In Re the Estate of

Appearance is required for hearing on petition for final distribution.

The creditor claim of personal representative, paid in April 2010, was not determined by the court as required by Prob.C. § 9252.

3. S-PR-0006669 Kroger, Thomas Gilbert - In Re the Estate of

The petition for final distribution is recommended for approval as prayed. Counsel may appear by phone; if anyone appears in opposition to the petition, the court will contact counsel when the matter is called for hearing.

4. S-PR-0006723 Debord, Mary Joseph, et al vs. Joseph, Michael C.

It is recommended the trust petition be dropped. Nothing has been filed since December 2012, and no one has appeared for any prior hearing. Any further request to continue the matter should be made by appearance at the time of the hearing.

5. S-PR-0006851 Urbanek, Lavonne - In Re the Estate of

Proof of subscribing witnesses omits required copy of will as an attachment. The statements of the declarant are insufficient with no copy attached. Attorney certification is also missing.

The will, as witnessed, included only 2 pages ("consisting of two (2) pages"). There are no witnesses to the third page. Proof of the third page as an admissible holographic instrument is needed.

6. S-PR-0006853 Rose Family - In Re the Revocable Trust of

Appearance is required for trust hearing.

The court has not located any opposition to the petition.

7. S-PR-0006871 Silvernail, Don - In Re the Estate of

Missing signed proof of service of notice of hearing.

Note: any order establishing a testamentary trust must comply with the content requirements of C.R.C. 7.650.

Counsel for petitioner may appear by phone; the court will contact counsel when the matter is called for hearing.

8. S-PR-0006879 Ybarra, Dorothy S. - In Re the Trust of

Appearance is required for further trust hearing. Status of trust administration and status of elder abuse case (Sacramento) are needed. Petitioner should be prepared to explain what additional order(s), if any, are needed.

9. S-PR-0006894 Raubitschek, Johanne B. - In Re the Trust of

Appearance is required for continued hearing on petition to determine trust property.

10. S-PR-0006905 Sepahpour, Houtan - In Re the Estate of

Appearance is required for continued hearing on both petition to administer estate and spousal property petition.

Missing notice and service of notice of hearing for spousal property petition.

11. S-PR-0006923 Bartorona, Donald L. - In Re the Estate of

Real property succession petition is recommended for approval as prayed.

12. S-PR-0006927 Davilla, Dena - In Re the Estate of

Missing signed proof of service of notice of hearing.

Missing required allegations at ¶ 6 of the petition.

It is recommended that, upon filing a proof of service as to beneficiaries whose addresses are known, the court determine notice may be excused for the successors of Beverly Wilson, and for Jennifer Biman and Cynthia Bullard.

13. S-PR-0006934 Rand, Robert E. - In Re the Estate of

Missing notice to Torrance Rand. It is recommended that notice be excused, Prob.C. §§ 8002(a)(3), 8110(a).

Missing waiver of bond by Torrance Rand. The requirement for a written waiver does not include an exception for beneficiaries that cannot be served, Prob.C. § 8481. Bond should be imposed. Bond calculation is needed.

14. S-PR-0006935 Koch, Lorin - In Re the Trust of

Appearance is required for hearing on trust accounting.

Missing 30 days' service of notice of hearing, Prob.C. §§ 17200(b)(5), 17203(a).

The petition is inadequate for the court to determine whether the requested trustee fees are reasonable in light of the trustee's duties and service, the trust annual income, etc.

15. S-PR-0006950 Beaton, Arthur L. - In Re the Estate of

Appearance is required for hearing as previously ordered. This matter will be heard with *Beaton v. Sims*, case no. S-DR-0043692.